

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Classic Communications, Inc.)	
)	File No.: EB-04-HS-040
Operator of Cable Television Systems in)	
)	
Leesville, Louisiana)	
New Iberia, Louisiana)	
Moreauville, Louisiana)	
Nelson, Ohio)	
Weatherford, Oklahoma)	
Woodward, Oklahoma)	
Purcell, Oklahoma)	
Clarksville, Texas)	
Eastland, Texas)	
Burkburnett, Texas)	
)	
Request for Waiver of Section 11.11(a) of the)	
Commission's Rules)	

ORDER

Adopted: August 30, 2004

Released: August 31, 2004

By the Director, Office of Homeland Security, Enforcement Bureau

1. In this *Order*, we grant Classic Communications, Inc. an extension to its temporary waivers of section 11.11(a) of the Commission's Rules (Rules)¹ previously granted for the above-captioned cable television systems.² Section 11.11(a) of the Rules requires cable systems serving fewer than 5,000 subscribers from a headend to either provide national level Emergency Alert System (EAS) messages on all programmed channels or install EAS equipment and provide a video interrupt and audio alert on all programmed channels and EAS audio and video messages on at least one programmed channel by October 1, 2002.³

2. The Cable Act of 1992 added new Section 624(g) to the Communications Act of 1934, as amended,⁴ and required that cable systems be capable of providing EAS alerts to their subscribers.⁵ In

¹ 47 C.F.R. § 11.11(a).

² *Classic Communications, Inc.*, 47 FCC Rcd 19350 (2002).

³ *Id.*

⁴ The Communications Act of 1934 was amended by the Telecommunications Act of 1996. Pub. L. No. 104-104, 110 Stat. 56 (1996 Act).

⁵ Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, § 16(b), 106 Stat. 1460, 1490 (1992). Section 624(g) provides that "each cable operator shall comply with such standards as the
(continued....)

1994, the Commission adopted rules requiring cable systems to participate in EAS.⁶ In 1997, the Commission amended the EAS rules to provide financial relief for small cable systems.⁷ The Commission declined to exempt small cable systems from the EAS requirements entirely, concluding that such an exemption would be inconsistent with the statutory mandate of Section 624(g).⁸ The amended rules extended the deadline for cable systems serving fewer than 10,000 subscribers to begin complying with the EAS rules to October 1, 2002, and provided cable systems serving fewer than 5,000 subscribers the option of either providing national level EAS messages on all programmed channels or installing EAS equipment and providing a video interrupt and audio alert on all programmed channels and EAS audio and video messages on at least one programmed channel.⁹ In addition, the Commission stated that it would grant waivers of the EAS rules to small cable systems on a case-by-case basis upon a showing of financial hardship.¹⁰

3. On March 26, 2002, Classic filed a request for a permanent waiver or a temporary, five-year waiver of section 11.11(a) for 569 small rural cable systems in ten states. On July 18, 2002, Classic filed an amendment to its waiver request which changed the number of cable system headends to 559. Classic asserted that the estimated cost to install EAS equipment would impose a substantial financial hardship on it. In support of its waiver request, Classic, submitted financial statements for 1999, 2000 and 2001 and indicated that it was operating as debtor-in-possession under supervision of the Bankruptcy Court.¹¹ On October 7, 2002, we granted Classic temporary 18-month waivers for the above-captioned systems from October 1, 2002 to April 1, 2004.¹² We declined to grant Classic a permanent waiver of section 11.11(a); however, we concluded that the financial data and other information submitted by Classic justified an 18-month waiver of section 11.11(a) for the above-captioned cable television systems.

4. On March 31, 2004, Classic filed a request for a 90-day extension of its temporary waivers previously granted for the above-captioned cable systems.¹³ Classic states that since its original waiver request was granted, it has emerged from bankruptcy and is now under new ownership and management and is now prepared to obtain the EAS equipment for the above-caption cable systems.¹⁴ In

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Commission shall prescribe to ensure that viewers of video programming on cable systems are afforded the same emergency information as is afforded by the emergency broadcasting system pursuant to Commission regulations” 47 U.S.C. § 544(g).

⁶ *Amendment of Part 73, Subpart G, of the Commission’s Rules Regarding the Emergency Broadcast System*, Report and Order and Further Notice of Proposed Rule Making, 10 FCC Rcd 1786 (1994), *reconsideration granted in part, denied in part*, 10 FCC Rcd 11494 (1995).

⁷ *Amendment of Part 73, Subpart G, of the Commission’s Rules Regarding the Emergency Broadcast System*, Second Report and Order, 12 FCC Rcd 15503 (1997).

⁸ *Id.* at 15512-13.

⁹ *Id.* at 15516-18.

¹⁰ *Id.* at 15513.

¹¹ On November 13, 2001, Classic Communications, Inc. filed for Chapter 11 bankruptcy with the United States Bankruptcy Court, the District of Delaware, Petition for Waiver filed by Robert L. James and Timothy P. Tobin, Counsel for Classic Communications, Inc. (March 25, 2002).

¹² 17 FCC Rcd at 19352. Classic was also granted temporary 24-month waivers of section 11.11(a) until October 1, 2004 for 65 of its cable systems and 36-month waivers of section 11.11(a) until October 1, 2005 for 483 of its cable systems.

¹³ Classic requests that the materials submitted in its petition for waiver be withheld from public inspection pursuant to 47 C.F.R. § 0.459.

¹⁴ *Id.* Classic currently operates under the d/b/as/ Cebridge Connections.

a supplement to its petition on July 29, 2004, Classic states that it has ordered EAS equipment for the subject cable systems and that its EAS equipment supplier has advised that the equipment will be shipped during the week of August 16, 2004. Classic anticipates having the equipment installed and operational at all the above-captioned systems within two weeks of receipt. Classic has offered to notify the Commission when the equipment is installed.

5. Based on our review of the additional information submitted by Classic, we find that an extension of its temporary waivers of section 11.11(a) of the Rules for the above-captioned cable systems, are warranted.

6. Accordingly, **IT IS ORDERED** that, pursuant to sections 0.111, 0.204(b) and 0.311 of the Rules,¹⁵ Classic Communications, Inc. **IS GRANTED** temporary waivers of section 11.11(a) of the Rules until October 1, 2004, for the above captioned cable systems.¹⁶

7. **IT IS FURTHER ORDERED** that Classic Communications, Inc. notify the Director, Office of Homeland Security, Enforcement Bureau immediately upon installation of the EAS equipment at the above-captioned cable systems by E-mail at eas@fcc.gov.

8. **IT IS FURTHER ORDERED** that Classic Communications, Inc. place a copy of this waiver in its systems files.

9. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by certified mail return receipt requested to counsel for Classic Communications, Inc., Timothy P. Tobin, Esq., Cole, Raywid & Braverman, L.L.P., 1919 Pennsylvania Avenue, N.W., Suite 200, Washington, D.C. 20006.

FEDERAL COMMUNICATIONS COMMISSION

James A. Dailey
Director, Office of Homeland Security
Enforcement Bureau

¹⁵ 47 C.F.R. §§ 0.111, 0.204(b) and 0.311.

¹⁶ We clarify that these waivers also encompass the EAS testing and monitoring requirements.